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International migration

(Chapter X of the draft programme of action of the Conference)

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Chapter X

INTERNATIONAL MIGRATION

A. International migration and developmentBasis for action

10.1. International economic, political and cultural interrelations play an important role in the flow of people between countries, whether they are developing, developed or with economies in transition. In its diverse types, international migration is linked to such interrelations and both affects and is affected by the development process. International economic imbalances, poverty and environmental degradation, combined with the absence of peace and security, human rights violations, and the varying degrees of development of judicial and democratic institutions are all factors affecting international migration. Although most international migration flows occur between neighbouring countries, interregional migration, particularly that directed to developed countries, has been growing. It is estimated that the number of international migrants in the world, including refugees, is in excess of 125 million, about half of them in the developing countries. In recent years, the main receiving countries in the developed world registered a net migration intake of approximately 1.4 million persons annually, about two thirds of whom originated in developing countries. Orderly international migration can have positive impacts on both the communities of origin and the communities of destination, providing the former with remittances and the latter with needed human resources. International migration also has the potential of facilitating the transfer of skills and contributing to cultural enrichment. However, international migration entails the loss of human resources for many countries of origin and may give rise to political, economic or social tensions in countries of destination. To be effective, international migration policies need to take into account the economic constraints of the receiving country, the impact of migration on the host society and its effects on countries of origin. The long-term manageability of international migration hinges on making the option to remain in one's country a viable one for all people. Sustainable economic growth with equity and development strategies consistent with this aim are a necessary means to that end. In addition, more effective use can be made of the potential contribution that expatriate nationals can make to the economic development of their countries of origin.

Objective

10.2. The objectives are:

(a) To address the root causes of migration, especially those related to poverty;

(b) To encourage more cooperation and dialogue between countries of origin and countries of destination in order to maximize the benefits of migration to those concerned and increase the likelihood that migration has positive consequences for the development of both sending and receiving countries;

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- (c) To facilitate the reintegration process of returning migrants.

Actions

10.3. Governments of countries of origin and of countries of destination should seek to make the option of remaining in one's country viable for all people. To that end, efforts to achieve sustainable economic and social development, ensuring a better economic balance between developed, developing countries and countries with economies in transition, should be strengthened. It is also necessary to increase efforts to defuse international and internal conflicts before they escalate; to ensure that the [human] rights of [individuals belonging to] minorities, indigenous people [and political opponents] are respected; to respect the rule of law, promote good governance, strengthen democracy, and promote human rights. Furthermore, greater support should be provided for the attainment of national and household food security, for education, nutrition, health and population-relevant programmes, and to ensure effective environmental protection. Such efforts may require national and international financial assistance, reassessment of commercial and tariff relations, [increased/full] access to world markets, and stepped-up efforts on the part of developing countries and countries with economies in transition to create a domestic framework for sustainable economic growth with an emphasis on job creation. The economic situation in those countries is likely to improve only gradually and, therefore, migration flows from those countries are likely to decline only in the long term; in the interim, the acute problems currently observed will cause migration flows to continue for the short-to-medium term, and Governments are accordingly urged to adopt transparent international migration policies and programmes to manage those flows.

10.4. [MOVED TO 10.11]

10.5. Governments of countries of origin wishing to foster the inflow of remittances and their productive use for development should adopt sound exchange rate, monetary and economic policies, facilitate the provision of banking facilities that enable the safe and timely transfer of migrants' funds, and promote the conditions necessary to increase domestic savings and channel them into productive investment.

10.6. Governments of countries of destination are invited to consider the use of certain forms of temporary migration, such as short-term and project-related migration, as a means of improving the skills of nationals of countries of origin, especially developing countries and countries with economies in transition. To that end, they should consider, as appropriate, entering into bilateral or multilateral agreements. Appropriate steps should be taken to safeguard the wages and working conditions of both migrant and native workers in the affected sectors. Governments of countries of origin are urged to facilitate the return of migrants and their reintegration into their home communities, and to devise ways of using their skills. Governments of countries of origin should consider collaborating with countries of destination and engaging the support of appropriate international organizations in promoting the return on a voluntary basis of qualified migrants who can play a crucial role in the transfer of knowledge, skills and technology. Countries of destination are

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encouraged to facilitate return migration by adopting flexible policies, such as the transferability of pensions and other work benefits.

10.6b Governments of countries affected by international migration are invited to cooperate with the aim of integrating the issue into their political and economic agendas and engaging in technical cooperation to aid developing countries and countries with economies in transition in addressing the impact of international migration. Governments are urged to exchange information regarding their international migration policies and the regulations governing the admission and stay of migrants in their territories. States that have not already done so are invited to consider ratifying the Convention on the Rights of all Migrant Workers and Members of Their Families.

10.6c Governments are encouraged to consider requests for migration from countries whose existence, according to available scientific evidence, is threatened by global warming and climate change.

10.6d In cooperation with international organizations, non-governmental organizations and research institutions, Governments should support the gathering of data on flows and stocks of international migrants, factors causing migration, and the monitoring of international migration. The identification of strategies to ensure that migration contributes to development and international relations should also be supported. The role of international organizations with mandates in the area of migration should be strengthened so that they can deliver adequate technical support to developing countries, advise in the management of international migration flows, and promote intergovernmental cooperation through, inter alia, bilateral and multilateral negotiations, as appropriate.

B. Documented migrants

Basis for action

10.7. Documented migrants are those who satisfy all the legal requirements to enter, stay and, if applicable, hold employment in the country of destination. In some countries, many documented migrants have, over time, acquired the right to long-term residence. In such cases, the integration of documented migrants into the host society is generally desirable, and for that purpose it is important to extend to them the same social, economic and legal rights as those enjoyed by citizens, in accordance with national legislation. The family reunification of documented migrants is an important factor in international migration. It is also important to protect documented migrants and their families from racism, ethnocentrism and xenophobia, and to respect their physical integrity, dignity, religious beliefs and cultural values. Documented migration is generally beneficial to the host country, since migrants are in general concentrated in the most productive ages and have skills needed by the receiving country, and their admission is congruent with the policies of the Government. The remittances of documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind.

Objectives

10.8. The objectives are:

(a) To ensure the social and economic integration of documented migrants, especially of those who have acquired the right to long-term residence in the country of destination, and their equal treatment before the law;

(b) To eliminate discriminatory practices against documented migrants, especially women, children and the elderly;

(c) To ensure protection against racism, ethnocentrism and xenophobia;

(d) To promote the welfare of documented migrants and members of their families;

(e) To ensure the respect of the cultural and religious values, beliefs and practices of documented migrants, in so far as they accord with national legislation and universally recognized human rights;

(f) To take into account the special needs and circumstances of temporary migrants.

Actions

10.9. Governments of receiving countries are urged to consider extending to documented migrants who meet appropriate length-of-stay requirements and to members of their families whose stay in the receiving country is regular treatment equal to that accorded their own nationals with regard to the enjoyment of basic human rights, including the equality of opportunity and treatment in respect of religious practice, working conditions, social security, participation in trade unions, access to health, education, cultural and other social services and access to the judicial system and equal treatment before the law. Governments of receiving countries are further urged to take appropriate steps to avoid all forms of discrimination against migrants, including eliminating discriminatory practices concerning their nationality and the nationality of their children, and to protect their rights and safety. Women and children who migrate as family members should be protected from abuse or denial of their human rights by their sponsors, and Governments are asked to consider extending their stay should the family relationship dissolve, within the limits of national legislation.

10.10. In order to promote the integration of documented migrants having the right to long-term residence, Governments of receiving countries are urged to consider giving them civil and political rights and responsibilities, as appropriate, and facilitating their naturalization. Special efforts should be made to enhance the integration of the children of long-term migrants by providing them with educational and training opportunities equal to those of nationals, allowing them to exercise an economic activity, and facilitating the naturalization of those who have been raised in the receiving country. Governments of receiving countries must ensure the protection of migrants and their families, [and recognize the right to family reunification], giving

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priority to programmes and strategies that combat religious intolerance, racism, ethnocentrism, xenophobia, and gender discrimination and which generate the necessary public sensitivity in that regard.

10.11. Governments of countries of destination should respect the basic human rights of documented migrants as those Governments assert their right to regulate access to their territory and adopt policies that respond to and shape immigration flows. With regard to the admission of migrants, Governments should avoid discriminating on the basis of race, religion, sex, [age] and disability, while taking into account health and other considerations relevant under national immigration regulations. Governments are urged to promote, through family reunion, the normalization of the family life of legal migrants who have the right to long-term residence.

10.11b Governments should consider providing assistance and cooperation for programmes that would address the adverse social and economic consequences of forced migration.

C. Undocumented migrants

Basis for action

10.12. It is the right of every nation State to decide who can enter and stay in its territory and under what conditions. Such right, however, should be exercised taking care to avoid racist or xenophobic actions and policies. Undocumented or irregular migrants are persons who do not fulfil the requirements established by the country of destination to enter, stay or exercise an economic activity. Given that the pressures for migration are growing in a number of developing countries, especially since their labour force continues to increase, and that some economic sectors of receiving countries need migrant labour, undocumented or irregular migration is expected to rise.

Objectives

10.13. The objectives are:

- (a) To address the root causes of undocumented migration;
- (b) To reduce substantially the number of undocumented migrants, while ensuring that those in need of international protection receive it; to prevent the exploitation of undocumented migrants and to ensure that their basic human rights are protected;
- (c) To prevent all international trafficking in migrants, especially for the purposes of prostitution;
- (d) To ensure protection against racism, ethnocentrism and xenophobia.

Actions

10.14. Governments of countries of origin and countries of destination are urged to cooperate in reducing the causes of undocumented migration, safeguarding the basic human rights of undocumented migrants [including the right to seek asylum,] and preventing their exploitation. Governments should identify the causes of undocumented migration and its economic, social and demographic impact as well as its implications for the formulation of social, economic and international migration policies.

10.15. Governments of both receiving countries and countries of origin should adopt effective sanctions against those who organize undocumented migration, exploit undocumented migrants or engage in trafficking in undocumented migrants, especially those who engage in any form of international traffic in women, youth and children. Governments of countries of origin, where the activities of agents or other intermediaries in the migration process are legal, should regulate such activities in order to prevent abuses, especially exploitation, prostitution and coercive adoption.

10.15b Governments, with the assistance of appropriate international organizations, should deter undocumented migration by making potential migrants aware of the legal conditions for entry, stay and employment in host countries through information activities in the countries of origin.

10.16. Governments of countries of origin of undocumented migrants and persons whose asylum claims have been rejected have the responsibility to accept the return and reintegration of those persons, and should not penalize such persons on their return. In addition, Governments of countries of origin and countries of destination should try to find satisfactory solutions to the problems caused by undocumented migration through bilateral or multilateral negotiations, on inter alia, readmission agreements that protect the basic human rights of the persons involved [in accordance with international law].

D. Refugees, asylum seekers and displaced persons

Basis for action

10.17. In less than 10 years, from 1985 to 1993, the number of persons seeking refuge from persecution and other violations of human rights has more than doubled, from 8.5 million to 19 million. Most of those refugees find asylum in developing countries, often imposing great burdens on those States. The institution of asylum is under severe strain in industrialized countries for a variety of reasons, including the growing numbers of refugees and asylum seekers and the misuse of asylum procedures by migrants attempting to circumvent immigration restrictions. While two thirds of all countries in the world have ratified the 1951 Convention relating to the Status of Refugees or the 1967 Protocol, which establish standards for the protection of refugees, there is need to strengthen the support for international protection of and assistance to refugees, especially refugee women and refugee children who are particularly vulnerable. Displaced persons, who do not qualify for refugee status and are in some cases outside their country, are also vulnerable and need international

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assistance. Regional agreements to provide protection to persons fleeing war should be considered.

Objectives

10.18. The objectives are:

(a) To reduce pressures leading to refugee movements and displacement by combating their root causes at all levels and undertaking related preventive action;

(b) To find and implement durable solutions to the plight of refugees and displaced persons;

(c) To ensure effective protection of and assistance to refugee populations, with particular attention to the needs and physical security of refugee women and refugee children;

(d) To prevent the erosion of the institution of asylum;

(e) To provide adequate health, education and social services for refugees and displaced persons;

(f) To integrate refugee and returnee assistance and rehabilitation programmes into development planning, with due attention to gender equity.

Actions

10.19. Governments are urged to address the root causes of movements of refugees and displaced persons by taking appropriate measures, particularly with respect to conflict resolution; the promotion of peace and reconciliation; respect for human rights, including those of persons belonging to minorities; respect for independence, territorial integrity, and sovereignty of States. Moreover, factors that contribute to forced displacements need to be addressed through initiatives related to the alleviation of poverty, democratization, good governance, and the prevention of environmental degradation. Governments and all other entities should respect and safeguard the right of people to remain in safety in their homes and should refrain from policies or practices that force people to flee.

10.20. Governments are urged to strengthen their support for international protection and assistance activities on behalf of refugees and, as appropriate, displaced persons and to promote the search for durable solutions to their plight. In doing so, Governments are encouraged to enhance regional and international mechanisms [that allow an equitable sharing of responsibility] for the protection and assistance needs of refugees. All necessary measures should be taken to ensure the physical protection of refugees - in particular, that of refugee women and refugee children - especially against exploitation, abuse and all forms of violence.

10.21. Adequate international support should be extended to countries of asylum to meet the basic needs of refugees and to assist in the search for durable

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solutions. Refugee populations should be assisted in achieving self-sufficiency. Refugees, particularly refugee women, should be involved in the planning of refugee assistance activities and in their implementation. In planning and implementing refugee assistance activities, special attention should be given to the specific needs of refugee women and refugee children. Refugees should be provided with access to adequate accommodation, education, health services, including family planning, and other necessary social services. Refugees are invited to respect the laws and regulations of their countries of asylum.

10.21b Governments should create conditions that would allow for the voluntary repatriation of refugees in safety and dignity. Rehabilitation assistance to repatriating refugees should, where possible, be linked to long-term reconstruction and development plans. The international community should provide assistance for refugee repatriation and rehabilitation programmes and for the removal of land mines and other unexploded devices that constitute a serious threat to the safety of returnees and the local population.

10.22. Governments are urged to abide by international law concerning refugees. States that have not already done so are invited to consider acceding to the international instruments concerning refugees - in particular, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. Governments are furthermore urged to respect the principle of non-refoulement (i.e., the principle of no forcible return of persons to places where their lives or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion). Governments should ensure that asylum-seekers in the Government's territory have access to a fair hearing and should facilitate the expeditious processing of asylum requests, ensuring that guidelines and procedures for the determination of refugee status are sensitive to the particular situation of women.

10.22b In cases of sudden and massive arrivals of refugees and displaced persons in need of international protection, Governments of receiving countries should consider according to them at least temporary protection and treatment in accordance with internationally recognized standards and with national law, practices and regulations, until a solution to their plight can be found. Persons in need of protection should be encouraged to stay in safe areas and, to the extent possible and as appropriate, near their countries of origin. Governments should strengthen protection mechanisms and provide aid to assist the population in such areas. The principles of collective cooperation and international solidarity should be followed in assisting host countries, upon their request.

10.23 [The problems of refugees and displaced persons arising from forced migration, including their right to return to their homes and properties, should be settled in accordance with the relevant principles of the Charter of the United Nations, the Universal Declaration of Human Rights, other international instruments and relevant United Nations resolutions.]
